

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2010-XXXX

AMENDING WASTE DISCHARGE REQUIREMENTS
ORDER NO. R5-2002-0138
FOR
TEICHERT AGGREGATES
HALLWOOD FACILITY
YUBA COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Central Valley Water Board) finds that:

1. On 19 July 2002, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order No. R5-2002-0138, prescribing waste discharge requirements for the Teichert Aggregates, Hallwood Facility in Yuba County. For the purposes of this Order, Teichert Aggregates is hereafter referred to as “Discharger” and the Hallwood aggregate facility is referred to as “Facility.”
2. The Discharger owns and operates the Facility.
3. On 1 July 2003, the Discharger requested changes to WDRs Order No. R5-2002-0138 to allow the following:
 - a. Authorization to process recycled materials such as cured broken asphalt, cured broken concrete, cement block, brick, aggregate, and dirt, which can be used to produce saleable materials consistent with the existing activities at the site. Recycling inert construction wastes that are consistent with the products manufactured at the facility will not result in new waste streams and conserves natural resources.

This Order amends WDRs Order No. R5-2002-0138 to address use of recycled materials. Discharge Prohibition A.7 is modified to clarify that use of recycled materials are acceptable in creating salable products at the site.
 - b. Authorization to move the Designated Disposal Area (DDA) to any area on the property. The change would allow reclamation activities consistent with the approved reclamation plan for the site.

This Order amends WDRs Order No. R5-2002-0138 to allow flexible placement of the DDA, consistent with the setback requirements. Changes to Findings No. 6, 19, and Discharge Specification B.5, allow the DDA to be moved to any area on the property, consistent with setback, grading, and flood protection requirements.
4. On 8 November 2007, the California State Mining and Geology Board adopted the Focused Draft Environmental Impact Report (EIR), Hallwood Reclamation Plan 2003. The document summarized mitigation measures in Table 3-1. This Order amends WDRs Order No. R5-2002-0138 to include requirements to comply with the following identified mitigation measures that are related to water quality:

<u>Impact</u>	<u>Item No.</u>	<u>Mitigation Measure</u>
<p>Silts/fines used for pond revegetation during reclamation could contain forms of mercury that could undergo methylation, thus increasing the potential for mercury bioaccumulation in the environment.</p>	4.4-2 (a)	<p>The Discharger shall implement the Detection Monitoring Program recommended in the August 2003 report by Luhdorff and Scalmanini, Consulting Engineers and summarized in EIR Table 4.4.1. The attached revised Monitoring and Reporting Program (MRP) No. R5-2002-0138, Revision No. 2 (Revised MRP) includes the monitoring requirements in EIR Table 4.4.1.</p>
	4.4-2 (b)	<p>An on-site test study to predict mercury behavior in sediment during long-term reclamation shall be established at a location where fines are placed and revegetation implemented to establish emergent marsh habitat. New Provision No. 11 in the attached amended WDRs, requires a technical study to address this mitigation measure.</p>
	4.4-2 (c)	<p>No discharge of fines outside the excavation or DDA shall occur until the pending WDRs amendment that would provide for an expanded disposal area is approved by the Central Valley Regional Water Quality Control Board. This Order addresses the mitigation measure.</p>
	4.4-2 (d)	<p>Prior to the first reclamation use of fines anywhere on-site, the applicant shall obtain recommendations from the Central Valley Water Board regarding the waste classification of the fines and comply with any requirements pertaining to disposal. A 16 January 2004 Soluble Metals Pond Report, prepared by D.K. Barber, P.E. & Associates addressed the waste classification issue. The report stated the wastewater in the ponds is not designated waste. No further work on this mitigation measure is required at this time.</p>
	4.4-2 (e)	<p>Upon completion of the one-year mercury methylation sediment test study required under Mitigation Measure 4.4-2(b), a plan for ongoing monitoring of mercury levels in fines used in reclaimed wetland on-site shall be developed and implemented. To provide data for future evaluations, the revised MRP includes regular sediment sampling from the wastewater pond, surface water pond(s), groundwater, and the mercury methylation test plot.</p>

<u>Impact</u>	<u>Item No.</u>	<u>Mitigation Measure</u>
	4.4-2 (f)	If results of the five-year monitoring plan for mercury methylation in sediment in new wetland areas or the Detection Monitoring Program (included in EIR Table 4.4.1 and required by Mitigation Measure 4.4-2 (a) listed above) indicate that substantial methylation of mercury has occurred as a result of reclamation activities, the Discharger shall implement measures to preclude further methylation from occurring. New Provision No. 11 in the attached amended WDRs requires establishment of a test plot and analysis of mercury fate and transport. Pending submittal of the monitoring data, staff will determine if implementation of measures to reduce methylation are warranted.
Implementation of the proposed project, in conjunction with ongoing mining and reclamation activities in the Sacramento River Watershed, could affect mercury levels in regional waterways.	4.4-3	Implement Mitigation Measures 4.4-2 (a) through (f).

5. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.), in accordance with CWC Section 15321 (a)(2), Title 14, of the California Code of Regulations.
6. The Central Valley Water Board has notified the Discharger and interested agencies and persons of its intent to amend waste discharge requirements for this discharge and has provided them with an opportunity to submit their written views and recommendations.
7. Any person adversely affected by this action of the Central Valley Water Board may petition the State Water Resources Control Board to review this action. The petition must be received by the State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100, within 30 days of the date on which this action was taken. Copies of the law and regulations applicable to filing petitions will be provided on request.

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IT IS HEREBY ORDERED THAT:

Waste Discharge Requirements Order No. R5-2002-0138 is amended as shown in underline/strikethrough format and attached to this Order.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on XX January 2010.

PAMELA C. CREEDON, Executive Officer

Attachments: Amended WDRs No. R5-2002-0138-01
Revision No. 2, MRP No. R5-2002-0138